IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.28928 of 1998

Dated: April 9, 2007

Between:

Seethafal Fruit Supply Cooperative Society Ltd.,
Regd. No.705/TH, Rachakonda Village, Narayanapuram
Mandal, Nalgonda District, rep. by its President
R. Balaraju, S/o. Pentaiah, R/o. Narayanapuram village
And Mandal, Nalgonda District.

… Petitioner

And

The Divisional Forest Officer, Nalgonda,
Nalgonda District, and others.

… Respondents

Order:

Petitioner, a society registered under the A.P. Cooperative Societies Act, questions the proceedings dated 07-10-1998, issued by the first respondent – Divisional Forest Officer, Nalgonda, in Rc.No.1151/98/S3.

2. In the affidavit filed in support of the Writ Petition, it is stated that

Government of Andhra Pradesh, in order to provide livelihood to vulnerable sections of the society, decided to give minor forest produce to them on their forming a cooperative society. Petitioner-society was being granted minor forest produce on lease basis. It is stated that the area of operation of the society was extended over nine villages, namely, Kadilabavithanda, Pallegattuthanda, Gandhinagar, Idudonelathanda, Rajakondathanda, Toombaithanda, Venkambaithanda, Mohammadapur and Allapur. During the year 1998-99, for the purpose of leasing out minor forest produce, proposals were submitted by the Divisional Forest Officer, Nalgonda, to the Conservator of Forests, Hyderabad Circle, Hyderabad, confining the allotment of lease to the petitioner-society only to Rachakonda forest, excluding the nine villages referred above.

3. Learned counsel for the petitioner submits that the petitioner-society was earlier granted lease over all the aforesaid villages; hence, there is no valid reason in deleting certain areas from the area of operation of the petitioner-society.

4. Respondent No.1 has filed counter affidavit stating that as per the policy of the Government, petitioner-society was never granted lease for the entire forest area on permanent basis. It is stated that every year, District Committee carefully examines the feasibility of allotment of rights for collection of Seethaphal to the local cooperative societies. It is further stated that in Nalgonda District, reserve forests have been subjected to severe hacking and uncontrolled grazing resulting in degradation of forests, and to rejuvenate such highly degraded natural forests and to develop them, it was ultimately realized that the prevention of further degradation of such forests could be achieved only with the active involvement of local people; hence

nine Vana Samrakshana Samithis were formed in Nalgonda District and an area of 21,326 Hectares of reserve forests were brought under the Joint Forest Management. It is also stated that because of these circumstances, the District Committee constituted for allotment of Seethaphal units for 1998 season has taken a decision to delete the forest areas under Joint Forest Management while considering allotment of Seethaphal to the petitioner-society in Rachakonda reserve forests for 1998 season. It is further stated that the balance area of 3061.82 hectares has been allotted to the petitioner-society by fixing proportional rental charges.

5. It is not a case where there is reduction of area of operation of the petitioner-society. Initially, as there were no other societies, petitioner-society was being allotted forest produce on year-to-year lease basis giving rights to it for removal of minor forest growth. At the same time, in view of the formation of Vana Samrakshana Samithis, certain villages were given to other societies, retaining major portion of the area in favour of the petitioner-society. With regard to allotment of area, it is not a matter of right for the petitioner-society. As it is stated in the counter affidavit that Jana Samrakshana Samithis were formed which are under Joint Forest Management, it is always open for the department to grant such rights to different societies having regard to feasibility and other factors. In the absence of any guidelines in this regard and also any right to the petitioner-society for allotment of entire area for removal of minor forest growth, no direction as sought for can be given.

6. The Writ Petition is devoid of merits and is accordingly dismissed. No costs.

JUSTICE R. SUBHASH REDDY.

April 9, 2007
MRR